



Atty. Dkt. No. 059440-0141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AJP
9/11/02

Applicant: Ziyu Dai, et al.

Title: GENE PROMOTERS ISOLATED
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Appl. No.: 10/051,307

Filing Date: 01/22/2002

Examiner: Unassigned

Art Unit: 1638

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

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RELEVANCE OF EACH DOCUMENT

The relevance of the documents is described in the present specification.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: September 12, 2002

By

Richard C. Peet
Attorney for Applicant
Registration No. 35,792

FOLEY & LARDNER
Customer Number: 22428



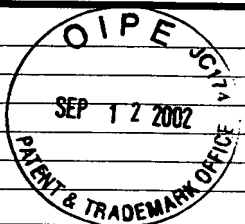
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: September 12, 2002 (use as many sheets as necessary)				Complete if Known	
Application Number		10/051,307			
Filing Date		01/22/2002			
First Named Inventor		Ziyu DAI, et al.			
Group Art Unit		1638			
Examiner Name		Unassigned			
Attorney Docket Number		059440-0141			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages; Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,407,956		HOWELL	10/04/1983	

FOREIGN PATENT DOCUMENTS								
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	A2	BREATHNACH et al., "Organization And Expression Of Eucaryotic Split Genes Coding For Proteins," <i>Ann. Rev. Biochem.</i> , 50:349-83 (1981), Annual Reviews, Inc., France	
	A3	MESSING et al., "Plant Gene Structure," <i>Genetic Engineering of Plants, an Agricultural Perspective</i> (1983), pp. 211-227, Plenum Press, New York, NY.	
	A4	KHOURY et al., "Enhancer Elements," <i>Cell</i> , 33:313-314, (1983), MIT, USA	
	A5	SMITH, et al., "Comparison of Biosequences," <i>Advances in Applied Mathematics</i> , (1981), 2(4):482-489, Academic Press, USA	
	A6	NEEDLEMAN, et al., "A General Method Applicable to the Search for Similarities in the Amino Acid Sequence of Two Proteins," <i>J. Mol. Biol.</i> , (1970) 48:443-453 (1970), Academic Press, USA	
	A7	PEARSON, et al., "Improved tools for biological sequence comparison," <i>Proc. Natl. Acad. Sci.</i> , (1988), 85:2444-2448, USA.	
	A8	HIGGINS, et al., "CLUSTAL: a package for performing multiple sequence alignment on a microcomputer," <i>Gene</i> , (1988) 73:237-244 (1988), Elsevier Science Publishers B.V..	

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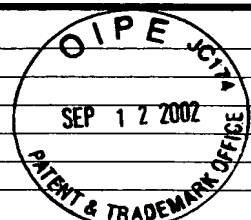
¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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				First Named Inventor	Ziyu DAI, et al.
				Group Art Unit	1638
				Examiner Name	Unassigned
Sheet	2	of	5	Attorney Docket Number	059440-0141



OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A9	HIGGINS, et al., "Fast and sensitive multiple sequence alignments on a microcomputer," <i>CABIOS COMMUNICATIONS</i> , (1989), 5(2):151-153 (1989), IRL Press, Oxford, England.	
	A10	CORPET, "Multiple sequence alignment with hierarchical clustering," <i>Nucleic Acids Research</i> , (1988) 16(22):10881-10891, IRL Press, USA.	
	A11	HUANG, et al., "Parallelization of a local similarity algorithm," <i>CABIOS</i> , (1992), 8(2):155-165, Oxford University Press.	
	A12	PEARSON, "Chapter 26: Using the FASTA Program to Search Protein and DNA Sequence Databases," Material copies from the collection of the National Library of Medicine, (1994), 24:307-331, Humana Press, USA.	
	A13	AUSUBEL et al., "Current Protocols in Molecular Biology - Chapter 19," <i>Informatics for Molecular Biologists</i> , pp. 19.1.1-19.4.15 (2000), John Wiley & Sons, Inc., USA.	
	A14	ALTSCHUL, et al., "Gapped BLAST and PSI-BLAST: a new generation of protein database search programs," <i>Nucleic Acids Research</i> , (1997), 25(17):3389-3402 (1997), Oxford University Press, USA.	
	A15	WOOTTON, et al., "Statistics of Local Complexity in Amino Acid Sequences and Sequence Databases," <i>Computers Chem.</i> , (1993); 17(2):149-163 (1993), Pergamon Press Ltd.	
	A16	CLAVERIE, et al., "Information Enhancement Methods for Large Scale Sequence Analysis," <i>Computers Chem.</i> , (1993), 17(2):191-201 (1993), Pergamon Press Ltd.	
	A17	MYERS, et al., "Optimal alignments in linear space," <i>CABIOS</i> , (1988), 4(1):11-17, IRL Press Limited, Oxford, England.	

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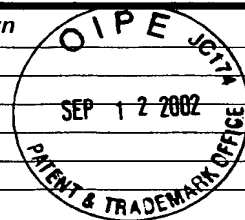
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		Group Art Unit	1638
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	A18	NEEDLEMAN, et al., "A General Method Applicable to the Search for Similarities in the Amino Acid Sequence of Two Proteins," <i>J. Mol. Biol.</i> , (1970), 48:443-453, Academic Press.	
	A19	SAMBROOK, et al. <i>Molecular Cloning, A Laboratory Manual, Second Edition</i> , (TABLE OF CONTENTS ONLY, Vols. 1-3), Cold Spring Harbor Laboratory Press (1989).	
	A20	AUSUBEL, et al. (eds.), <i>Current Protocols in Molecular Biology</i> (TABLE OF CONTENTS ONLY, Vol. 1), John Wiley & Sons, Inc., (1998) USA	
	A21	BOLTON, et al., "A General Method for the Isolation of RNA Complementary to DNA," <i>Proceedings of the National Academy of Sciences</i> , (1962), 48:1390-1397.	
	A22	AUSUBEL, et al., "Preparation and Analysis of DNA", (TABLE OF CONTENTS ONLY, Vol. 1) (2000), John Wiley & Sons, Inc.	
	A23	WU et al. (Eds.), <i>Recombinant DNA -Part D -</i> (TABLE OF CONTENTS ONLY Vol. 153), Academic Press, Inc.	
	A24	ROGERS, et al., "Gene Transfer in Plants: Production of Transformed Plants Using Ti Plasmid Vectors," <i>Methods for Plant Molecular Biology</i> (1988), 118:423-463, Academic Press, Inc.	
	A25	GRIERSON, et al., "Chapter Seven: Genetic Transformation of Plants by Agrobacterium," <i>Plant Molecular Biology</i> , (1988), Chapman and Hall, USA.	
	A26	HORSCH, et al., "A Simple and General Method for Transferring Genes into Plants," <i>Science</i> , (1985), 227:1229-1231.	

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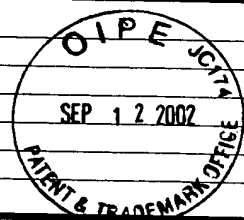
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	A27	De FRAMOND, et al., "Mini-Ti: A New Vector Strategy For Plant Genetic Engineering," <i>Bio/Technology</i> , pp. 262-269 (May 1983), USA	
	A28	HOEKEMA, et al., "A binary plant vector strategy based on separation of <i>vir</i> - and T-region of the <i>Agrobacterium tumefaciens</i> Ti-plasmid," <i>Nature</i> , (1983), 303:179-180, Macmillan Journals Ltd.	
	A29	BECHTOLD, et al., "In planta <i>Agrobacterium</i> mediated gene transfer by infiltration of adult <i>Arabidopsis thaliana</i> plants," <i>C.R. Acad. Sci. Paris, Sciences De La Vie Life Sciences</i> , (1993), 316(10):1194-1198, John Libbey, Eurotext.	
	A30	FROMM, et al., "Expression of genes transferred into monocot and dicot plant cells by electroporation," <i>Proc. Natl. Acad. Sci., USA</i> , (1985), 82:5824-5828, USA.	
	A31	KLEIN, et al., "High-velocity microprojectiles for delivering nucleic acids into living cells," <i>Nature</i> , (1987), 327:70-73.	
	A32	MARGOSSIAN, et al., "Ethylene-regulated expression of a tomato fruit ripening gene encoding a proteinase inhibitor I with a glutamic residue at the reactive site," <i>Proc. Natl. Acad. Sci.</i> , (1988), 85:8012-8016, USA	
	A33	PEARCE, et al., "Proteinase inhibitors I and II in fruit of wild tomato species: Transient components of a mechanism for defense and seed dispersal," <i>Planta</i> , (1988), 175:527-531, Springer-Verlag.	
	A34	HUMMEL, "A Modified Spectrophotometric Determination Of Chymotrypsin, Trypsin, And Thrombin," <i>Canadian Journal Of Biochemistry And Physiology</i> , (1959), 37(12):1393-1399, The National Research Council, Ottawa, Canada	
	A35	WIGHTMAN, et al., "Reviews Properties Of Plant Aminotransferases," <i>Phytochemistry</i> , (1978), 17:1455-1471, Pergamon Press.	

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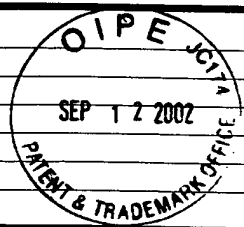
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	A36	FOREST, et al., "Amino Acid Metabolism in Plants. II. Transamination Reactions of Free Protein Amino Acids in Cell-Free Extracts of Cotyledons and Growing Tissues of Bushbean Seedlings (<i>Phaseolus vulgaris</i> L.)," <i>Canadian Journal of Biochemistry</i> , (1972), 50(5):538-542, The National Research Council of Canada.	
	A37	WILSON, et al., "Transamination Reactions In Plants," <i>The Journal of Biological Chemistry</i> , (1954), 208:863-875, The American Society of Biological Chemists.	
	A38	FOREST, et al., "Metabolism of Amino Acids in Plants. I. Changes in the Soluble Amino Acid Fractions of Bushbean Seedlings (<i>Phaseolus vulgaris</i> L.) and the Development of Transaminase Activity," <i>Canadian Journal of Biochemistry</i> , (1971), 49(6):709-720, The National Research Council of Canada.	
	A39	ALTSCHUL, et al., "Basic Local Alignment Search Tool," <i>Journal of Molecular Biology</i> , (1990), 215(3):403-410, Academic Press Limited.	
	A40	AN, "[17] Binary Ti Vectors for Plant Transformation and Promoter Analysis," <i>Methods In Enzymology</i> , (1987), 153:292-305, Academic Press, Inc.	
	A41	JEFFERSON, et al., "GUS fusions: β -glucuronidase as a sensitive and versatile gene fusion marker in higher plants," <i>The EMBO Journal</i> , (1987), 6(13):3901-3907, IRL Press Limited.	
	A42	BRADFORD, "A Rapid and Sensitive Method for the Quantitation of Microgram Quantities of Protein Utilizing the Principle of Protein-Dye Binding," <i>Analytical Biochemistry</i> , (1976), 72:248-254, Academic Press, Inc.	

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